

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH W. FOLEY,

Plaintiff,

- against -

CAPITAL ONE, N.A.,

Defendant.
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25-CV-1526 (VSB) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

It appears from the correspondence at Dkts. 67-69 that the parties are not cooperating in good faith. Capital One’s ad hominem attacks are uncalled for, and Capital One has provided no excuse for its belated production of documents, made only after Plaintiff wrote to the Court to bring the matter to the Court’s attention. Plaintiff’s refusal to disclose the password for his document production until Capital One produced its documents was not appropriate, although understandable given Capital One’s untimely fulfillment of its obligations. Additionally, Plaintiff’s “end of the day” ultimatum was not reasonable, notwithstanding Capital One’s foot-dragging. As Capital One has produced documents, Plaintiff’s request, at Dkt. 67, for a conference or an order to compel is moot. The request for sanctions, also at Dkt. 67, is denied. Should the parties have disputes about the sufficiency of either party’s production, they shall meet and confer before bringing those disputes before the Court.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: June 18, 2025
New York, New York

Copies transmitted this date to all parties.